01-06-05   2625

Application No.	Applicant(s)
10/008,550	FISCHER, OLIVIER
Examiner	Art Unit
Yubin Hung	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *04/03/2002*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Transmissions LLC

Olivier Fischer, PhD
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January 4, 2005

Yubin Yung
United States department of commerce
United States Patent ad Trademark Office
Commissioner for patents
P.. Box 1450Alexandria Virginia 22313-1450

Dear Sir or Madam:

Please fin attached our reply to your review of our patent application.

Sincerely,

Olivier Fischer PhD.

About the patent review

The LAN and Fischer patent at superficially similar but intrinsically different. LAN indeed extracts text layers from a layered graphics file and stores them in a database. That is the very superficial level at which both patents are similar. Everything else is different:

- LAN also stores the graphics layers in the database, Fisher does not.
- LAN limits itself to 4 text layers per image, Fischer does not
- LAN allows the "user" to modify the graphical components of the image, Fischer does not (to protect the intellectual property of the owner (see summary of the invention)
- LAN does NOT store the modified text, Fischer does.
- LAN does not provide for translation-oriented storage and processes, Fischer does.

Regarding Claim 1:

LAN claims focus on the production of posters. Their claim only deals with files that have a title, a subtitle, and a text object. The text can be modified by a translator BUT the new text is never stored and (therefore) there is no particular data structure to store the different sets of language-specific text. So, our claim of producing these data structures and storing the text in specific fashion is not obvious by looking at LAN because LAN does not even store the new text, let alone in any way that would enable translation work. We extract text, LAN limits its claim to 4 text layer, we do not, LAN does not store the changed text, we do, LAN dos not create any data structures to support translation, we do. Unlike what is said in the patent review, LAN does not use the word "Translator" in Fig2;P. 2, nor in paragraph 0022, nor in lines 2-12; paragraph 0025 lines 1-3; nor in paragraph 0028, nor anywhere else in the patent. Because of this absence of translation oriented processes and data structures, and because the absence of storage of the "new" text, one cannot say that *"the motivation is obvious"*. Actually it is so "non-obvious" that we were the first ones to do anything like this in the translation industry and have had the leader in the translation software industry, TRADOS, partner with us.

Regarding Claim2, Regarding Claim 3:

LAN never cites translation of any text. They substitute text for other text in a very general way. In that same general way a word processor could be seen as doing the same thing as LAN, i.e. taking an empty text and replacing with text. In [0028] the final result, i.e. a JPEG graphics file is stored, not text. If one looks at figure 1 of LAN, one sees that there is no arrow going from the JAVA interface to the database, that means that the User of the JAVA interface interacts with the Corel Object to produce a jpeg that is sent to the printing system(14) but that it never stores any new text in the database.

Regarding Claim 4:

LAN mentions extracting the original text from COREL and storing it in a database. They do not provide any storing for the "new" text , and even if they did they do not provide it in a way that support subsequent translation work, and the relationships

between original text and its translation. Once again, storing text in a database is so general it can be used in any computer related claim.

Regarding Claim 6:
In claim 6 we do not even mention extracting text or storing text in a database. We just say our invention will help in localizing graphics files with text. Therefore we do not understand how this can be compared to [0022] where LAN describes how they extract the text from graphics and store it in a database

Regarding Claim 8:
Lan indeed extracts text layers from a layered graphics file and stores them in a database. That is the very superficial level at which both patents are similar. Everything else is different:
- LAN also stores the graphics layers in the database, Fisher does not.
- LAN limits itself to 4 text layers per image, Fischer does not
- LAN allows the "user" to modify the graphical components of the image, Fischer does not (to protect the intellectual property of the owner)
- LAN does NOT store the modified text, Fischer does.

Viewing a layered Document on page 241 of the Photoshop manual cited by the reviewer. The Photoshop text layer mechanism is very general. They can make anything visible or invisible. We do not just make text layers visible or invisible. We build special dedicated data structures and processes by which all text layers for a specific language are grouped in a distinct set, and by which this set of language specific text layers can be made visible or invisible. Moreover these language specific set are machine-generated. This capability is very important to be able to effectively store and retrieve language specific graphics. This is not obvious, and in fact nobody ever did it before us.